

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

October 27, 2010
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas Schoaf, Litchfield Park, Chair	# Mayor Yolanda Solarez, Guadalupe
Mayor Hugh Hallman, Tempe, Vice Chair	* Supervisor Mary Rose Wilcox, Maricopa Co.
# Councilwoman Robin Barker, Apache Junction	# Mayor Scott Smith, Mesa
# Mayor Marie Lopez Rogers, Avondale	Vice Mayor Mary Hamway for Mayor Scott
Mayor Jackie Meck, Buckeye	LeMarr, Paradise Valley
# Mayor David Schwan, Carefree	# Mayor Bob Barrett, Peoria
Councilman Dick Esser, Cave Creek	Councilwoman Peggy Neely, Phoenix
# Mayor Boyd Dunn, Chandler	Mayor Gail Barney, Queen Creek
# Mayor Michele Kern, El Mirage	* President Diane Enos, Salt River
* President Clinton Pattea, Fort McDowell	Pima-Maricopa Indian Community
Yavapai Nation	# Mayor Jim Lane, Scottsdale
Mayor Jay Schlum, Fountain Hills	Councilwoman Sharon Wolcott, Surprise
* Mayor Ron Henry, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor William Rhodes, Gila River Indian	# Mayor Kelly Blunt, Wickenburg
Community	Mayor Michael LeVault, Youngtown
Councilmember John Sentz for Mayor John	* Felipe Zubia, State Transportation Board
Lewis, Gilbert	Victor Flores, State Transportation Board
* Mayor Elaine Scruggs, Glendale	# Roc Arnett, Citizens Transportation Oversight
Mayor James M. Cavanaugh, Goodyear	Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Thomas Schoaf at 5:00 p.m.

2. Pledge of Allegiance

Mayor Jackie Meck led the Pledge of Allegiance.

Chair Schoaf stated that Roc Arnett, Councilmember Robin Barker, Mayor Bob Barrett, Mayor Kelly Blunt, Mayor Boyd Dunn, Mayor Michele Kern, Mayor Jim Lane, Mayor Marie Lopez Rogers, Mayor David Schwan, Mayor Scott Smith, and Mayor Yolanda Solarez were participating in the meeting by

teleconference. Chair Schoaf introduced proxies: Vice Mayor Mary Hamway for Mayor Scott LeMarr and Councilmember John Sentz for Mayor John Lewis.

Chair Schoaf announced that on October 20, 2010, the Transportation Policy Committee recommended approval of agenda item #5C. He noted that materials for agenda items #5I, #8, and #9 were at each place. He announced that agenda item #7 would not be heard because no recommendation was made by the Transportation Policy Committee to move forward with the Resolution.

Chair Schoaf requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. Parking garage validation and transit tickets for those who used transit to attend the meeting were available from staff.

3. Call to the Audience

Chair Schoaf noted that public comment cards were available to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Chair Schoaf noted that no public comment cards had been received.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. Mr. Smith stated that the MAG Information Services Division updated the map of pending and foreclosed residential homes in the Valley. He displayed the map and said that there was a total of 59,149 pending and foreclosed residential properties – 20,102 foreclosed and 39,047 pending. Mr. Smith noted that this reflects an increase of 1,369 properties over the last update to the map.

Mr. Smith stated that MAG is a partner with ECOTality for supporting the development of infrastructure for electric vehicles. He reported that a press conference on the electric vehicle project was held on October 19, 2010, at 9:00 a.m. at the Desert Botanical Garden in Phoenix. Mr. Smith stated that Chair Schoaf spoke at the event, at which maps of the charging station locations prepared by MAG were shown.

Mr. Smith stated that the Western High Speed Rail Alliance Conference was held recently. He noted that MAG is a founding member of the Western High Speed Rail Alliance. Mr. Smith stated that Mayor Scott Smith gave a presentation on interwoven economic destinies. He stated that the Alliance was recently notified that it had received \$1 million for studying high speed rail in the Intermountain West.

Mr. Smith announced that the MAG Traffic Signal Optimization Program had been awarded the Best ITS Planning project by ITS Arizona. He stated that the program assists MAG member agencies with

traffic signal timing, and since the inception of the program at MAG in 2004, 50 projects have been completed for a total cost of \$1.1 million. Mr. Smith acknowledged Sarath Joshua and his staff for their work on this project.

Mr. Smith announced that MAG was awarded the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report by the Government Finance Officers Association. He noted that this award represents the 12th consecutive year MAG received this certificate of achievement. Mr. Smith acknowledged Becky Kimbrough and her staff in the Fiscal Services Division for their hard work.

Mr. Smith stated that MAG “I Ride” video won the Gold Award from the Association of Marketing and Communications Professionals. He acknowledged Kelly Taft and Jason Stephens for their work on the video. Mr. Smith noted that the recently completed “Talking the Walk” pedestrian video will be shown to the Regional Council at the next meeting.

Chair Schoaf thanked Mr. Smith for his report. No questions from the Council for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Schoaf noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5J were on the Consent Agenda. He noted that no public comment cards had been received. Chair Schoaf asked members if they had questions or requests to hear an item individually. No requests were noted.

Councilmember Esser moved to approve the Consent Agenda. Mayor Lane seconded, and the motion passed unanimously.

5A. Approval of the September 22, 2010, Meeting Minutes

The Regional Council, by consent, approved the September 22, 2010, meeting minutes.

5B. ADOT Red Letter Process

The Regional Council approved the Red Letter Process in 1996 to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning, and permits. Key elements of the process include Notifications: ADOT will periodically forward Red Letter notifications to MAG. Notifications will be placed on the consent agenda for information and discussion at the Transportation Review Committee, Management Committee, and Regional Council meetings. If a member wishes to take action on a notification, the item can be removed from the consent agenda for further discussion. The item could then be placed on the agenda of a subsequent meeting for action. Advance acquisitions: ADOT is authorized to proceed with advance right-of-way acquisitions up to \$2 million per year in funded corridors. Any change in the budgets for advance right-of-way acquisitions constitutes a material cost change as well as a change in freeway priorities and therefore, would have to be reviewed by MAG and would require Regional Council action. With the passage of

Proposition 400 on November 2, 2004, the Regional Transportation Plan (RTP) includes funding for right-of-way acquisition as part of the funding for individual highway projects. This funding is spread over the four phases of the Plan. Funding for advance acquisitions may be made available on a case-by-case basis. For information, the ADOT Advance Acquisition policy allows the expenditure of funds to obtain right-of-way where needed to address hardship cases (residential only), forestall development (typical Red Letter case), respond to advantageous offers or, with remaining funds, acquire properties in the construction sequence for which right-of-way acquisition has not already been funded. In addition to forestalling development within freeway corridors, ADOT, under the Red Letter Process, works with developers on projects adjacent to or close to existing and proposed routes that may have a potential impact on drainage, noise mitigation, and/or access. For this purpose, ADOT needs to be informed of all zoning and development activity within one-half mile of any existing and planned facility. Without ADOT input on development plans adjacent to or near existing and planned facilities, there is a potential for increased costs to the local jurisdiction, the region and/or ADOT. ADOT has forwarded a list of notifications from January 1, 2010, to June 30, 2010. Of the 47 notices received, five had an impact to the State Highway System.

5C. Project Changes – Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

The Regional Council, by consent, approved amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update. The fiscal year (FY) 2011-2015 Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there have been requests from member agencies to modify projects in the programs. The Arizona Department of Transportation (ADOT) requested a modification to the SRL303 project to split the utility relocation projects out to individual projects, a revised scope for the South Mountain Environmental Impact Statement (EIS) project, and a new pavement preservation project. There are four new federal Safe Routes to Schools program funded projects; this process is managed by ADOT with input provided by MAG. Wickenburg requested to move its STP-TEA funded project from 2010 to 2011, and two new transit projects need to be added to the TIP since they received federal money through a competitive grant application. Changes to four Congestion Mitigation and Air Quality (CMAQ) funded projects were requested. There have been recommendations on the above requested changes by the Transportation Review Committee, Air Quality Technical Advisory Committee, and the Intelligent Transportation Systems Committee. In addition, requests for deferrals were received for the following CMAQ funded projects: two Cave Creek projects and one Litchfield Park project, which were heard for the first time at the Management Committee on October 13, 2010. The Management Committee recommended approval. On October 20, 2010, the Transportation Policy Committee recommended approval.

5D. Change in State Route Numbers

The State Transportation Board is renumbering the following freeways: Interstate 10 Reliever Freeway - previously State Route (SR)-801 - is now SR-30, and Williams Gateway Freeway - previously

SR-802 - is now SR-24. Board action for SR-24 occurred in September 2010; action for SR-30 is anticipated in January 2011. All ADOT maps are illustrating the new route numbers.

5E. Recommendation of Road Safety Improvement Projects for Possible Federal Highway Safety Improvement Program

The Regional Council, by consent, approved the list of safety improvement projects to the Arizona Department of Transportation for federal funds in the 70 percent Highway Safety Improvement Program category available for fiscal years 2011, 2012 and 2013. On August 17, 2010, MAG announced a call for projects to identify a list of candidate road safety improvement projects to be recommended to the Arizona Department of Transportation (ADOT) for possible federal Highway Safety Improvement Program (HSIP) funds available in FY 2011, 2012 and 2013. Nine project applications were received by MAG. These applications have been reviewed and a recommendation was developed by the Transportation Safety Committee. The final decision on which of the recommended projects will be funded and at what level will be determined by ADOT. Funded projects will be included in the current TIP through a future amendment, and the implementation of projects will be coordinated by ADOT. Safety improvement projects are considered exempt from a potential TIP conformity freeze. On October 13, 2010, the MAG Management Committee recommended approval.

5F. Conformity Consultation

The Maricopa Association of Governments conducted consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The amendment and administrative modification involve several projects, including FY 2011 Arizona Department of Transportation projects on State Route 303, Safe Routes to School funded projects, and City of Phoenix transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination.

5G. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report was provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter.

5H. MAG FY 2012 PSAP Annual Element/Funding Request and FY 2012-2016 Equipment Program

The Regional Council, by consent, approved the MAG FY 2012 PSAP Annual Element/Funding Request and FY 2012-2016 Equipment Program for submittal to the Arizona Department of Administration. Each year, the Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five-year equipment program that forecasts future 9-1-1

equipment needs of the region and will enable MAG to provide estimates of future funding needs to the Arizona Department of Administration (ADOA). The funding request for fiscal year (FY) 2015 is required to be submitted to the ADOA by December 15, 2010. The ADOA Order of Adoption stipulates allowable funding under the Emergency Telecommunications Services Revolving Fund. The Emergency Telecommunications Services Revolving Fund is funded by the monthly 9-1-1 excise tax on wireline and wireless telephones. The 9-1-1 excise tax has been reduced from 37 cents per month to 28 cents per month as of July 1, 2006. The excise tax was further reduced to 20 cents per month effective July 1, 2007. In addition, a significant amount of 9-1-1 funds has been transferred to the State's General Fund to offset the budget deficit, and revenue received from the 9-1-1 tax during FY 2010 decreased 8.2 percent. It has been determined that sufficient revenue will be collected in FY 2011 to allow for continued network and equipment maintenance services, but in question are capital expenditures and any new programs or projects. On August 16, 2010, the State 9-1-1 Office notified the MAG 9-1-1 Office it will be implementing some cost savings measures in the FY 2011 budget. With the new budget year, the 9-1-1 program will no longer provide funding for the following items: reimbursement for logging recorders, additional positions at the PSAPs, new PSAPs, mapping enterprise networks, new MIS packages, and additional memory needs for more global mapping layers. On September 20, 2010, the MAG 9-1-1 Oversight Team recommended approval. On October 13, 2010, the MAG Management Committee recommended approval.

5I. Application Process for U.S. Department of Housing and Urban Development Stuart B. McKinney Funds for Homeless Assistance Programs

On December 8, 1999, the MAG Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the U.S. Department of Housing and Urban Development (HUD) Stuart B. McKinney Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent supportive housing, transitional housing, and supportive services. A total of \$196 million has been awarded to the region since 1999. Last year, the region received more than \$23.4 million for 53 homeless programs. It is anticipated that the region will be awarded comparably in 2010. A draft list of new and renewal projects was provided to members for information and discussion. The final consolidated application will be presented to the MAG Continuum of Care Regional Committee on Homelessness on November 15, 2010, for approval.

5J. Valley Fever Corridor Project

The Regional Council, by consent, accepted a Resolution to promote public awareness of the educational efforts of the Valley Fever Center for Excellence in its work to address the Valley Fever in the MAG region. Valley Fever is the common name for a fungal infection which occurs in the lower deserts of Arizona and elsewhere in the western hemisphere. Approximately 150,000 infections annually result in 50,000 persons seeking medical attention for a pneumonia-type of illness that can last for weeks to many months, and may require many years or lifelong medical management. Two-thirds of all Valley Fever infections in the United States are contracted by Arizonans and most of these occur in residents of the three counties of Maricopa, Pinal and Pima (the "Valley Fever Corridor"). With Valley Fever being concentrated in Arizona, the Valley Fever Center for Excellence (Center) was established in 1996 to support efforts to control this problem. The Center requested a Resolution to promote public

awareness of Valley Fever in the MAG region. On October 13, 2010, the MAG Management Committee recommended acceptance.

9. MAG Economic Development Committee Composition

This agenda item was taken out of order.

Chair Schoaf stated that due to the significant discussion last month on this agenda item and to avoid losing a quorum before action is taken, if there were no objections, this item would be the first item to be heard. No objections were noted.

Denise McClafferty, MAG Management Analyst, provided a staff report on this item. She stated that at the September 22, 2010, meeting, the MAG Regional Council approved the formation of the Economic Development Committee (EDC) and the business community member positions. Ms. McClafferty stated that the Regional Council also requested that the Executive Committee revisit this item to further refine the mission statement and discuss the composition.

Ms. McClafferty stated that on October 18, 2010, the Executive Committee unanimously recommended refining the mission statement of the EDC to focus on all of Maricopa County. She noted that the Executive Committee recognized the increased interest in serving on the EDC and also recommended expanding the MAG member agency elected official portion of the composition to include up to twelve members. Ms. McClafferty stated that an additional recommendation was made to include an ADOT transportation leadership seat to be appointed by the ADOT Director. Ms. McClafferty pointed out that this information was explained in detail on the revised composition material that was transmitted on October 18, 2010, a copy of which was at each place.

Ms. McClafferty explained the role of the EDC, which is to assist in providing a greater focus on the impact on the economy by such things as transportation planning, education and housing within the MAG region. She stated that it is important for the EDC to begin discussions, and strengthen and build relationships, not only among MAG member agencies, but also with outside organizations. Ms. McClafferty stated that one of the overall goals of the EDC is to foster communication, coordination and consistency between the goals and policies of regional transportation plans and economic development strategies, and it also will provide a valuable link between economic development and infrastructure through the MAG Transportation Policy Committee. Ms. McClafferty added that the EDC working cooperatively with the Joint Planning Advisory Council to cover the major metropolitan areas in Arizona, will further enhance the process.

Ms. McClafferty stated that this item is on the agenda for approval of the refined mission statement, officers, and the expanded composition of the MAG Economic Development Committee and approval of the remaining committee members.

Chair Schoaf thanked Ms. McClafferty for her report and asked members if they had questions. None were noted. He called for a motion.

Vice Chair Hallman moved approval of the refined mission statement, officers and the expanded composition of the MAG Economic Development Committee and approval of the remaining Economic Development Committee members. Mayor LeVault seconded, and the motion passed unanimously.

6. 2010 Annual Report on the Status of the Implementation of Proposition 400

Roger Herzog, MAG Senior Project Manager, stated that Proposition 400 was approved by the voters of Maricopa County in November 2004, and authorized the extension of a half-cent sales tax for use on transportation projects in the MAG Regional Transportation Plan to 2025. He reported that the law requires that MAG issue an annual report on the life cycle programs for freeways/highways, arterial streets, and transit. Mr. Herzog noted that a public hearing is scheduled for November. Mr. Herzog noted that MAG has been conducting a parallel process to update the Regional Transportation Plan and the life cycle programs, and he said that declining revenue resulted in the deferral of some projects beyond the end of the life cycle programs but that the projects remained in the Regional Transportation Plan, which was extended to FY 2031. He stated that the Regional Transportation Plan 2010 Update was approved by the Regional Council on July 28, 2010.

Mr. Herzog stated that revenues in FY 2010 were 8.9 percent lower than FY 2009, and FY 2010 was the third consecutive year for declining revenue collections. He stated that the year-to-year decrease in revenues since 2007 has been significant.

Mr. Herzog reported that the current long range revenue forecast was 6.2 percent lower than the prior forecast and the revenue estimates for the life of the tax had decreased by 26 percent, from a high of \$15 billion in 2007 to the current \$11 billion.

Mr. Herzog first addressed the Freeway Life Cycle Program by saying that a major imbalance between costs and revenues was identified in FY 2009. He noted that a process to rebalance the program was conducted to restore a balance through FY 2026, utilizing such measures as value engineering, program management, project rescoping, updated cost estimates, and project deferrals. Mr. Herzog noted that \$2.4 billion in cost savings were realized and \$4.4 billion in projects were deferred. He stated that the newly balanced Freeway Life Cycle Program future costs are estimated at \$8.3 billion while anticipated revenues are at \$8.4 billion.

Mr. Herzog stated that major projects in the Freeway Life Cycle Program retained within the original FY 2026 horizon included Loop 202/South Mountain Freeway, Loop 303 (I-17 to I-10), the HOV lane system, and improvements to the inner freeway network (e.g., I-10, I-17). Mr. Herzog stated that major projects that had been deferred beyond FY 2026 included State Route (SR)-801 (renumbered to SR-30) and the final construction for SR-802 (renumbered to SR-24), general purpose lanes on the outer freeways, several interchanges with arterials, and direct HOV ramps. He remarked that although a number of changes have been made, there has been significant progress since the start of the program in FY 2006.

Mr. Herzog then reported on the Arterial Life Cycle Program funded by Proposition 400. Mr. Herzog noted that 20 arterial street projects were completed in FY 2010, with \$62 million in reimbursements

distributed, a total of \$178 million in reimbursements since the beginning of the program. He commented that a lot of work is anticipated during the next five years as work proceeds on various phases of 87 different projects.

Mr. Herzog stated that in FY 2009, \$22 million in reimbursements for the Arterial Program were shifted beyond FY 2026 to achieve a balanced program. He stated that the adjustments were retained in the FY 2010 program update. Mr. Herzog added that Lead Agencies have deferred the use of \$38 million in federal and regional funding from FY 2010 to later years due to problems with match or other development issues. He reported that estimated future reimbursements of \$1.5 billion were in balance with projected revenues of \$1.6 billion.

Mr. Herzog then addressed the Transit Life Cycle Program. He stated that the Transit Life Cycle Program had encountered similar cost and revenue imbalances as the Freeway Life Cycle Program. He reported that the Transit Life Cycle Program was balanced in FY 2009 by delaying the implementation of some projects. Mr. Herzog stated that in FY 2010 the program was refined further, especially service levels on supergrid regional bus routes, to allow more routes to be retained. He also noted a program shift from bus capital funding to operations expenditures.

Mr. Herzog reported that for FY 2011 to FY 2026, the Transit Life Cycle Program estimated future costs are \$4.6 billion and projected revenues are \$4.8 billion. He stated as part of the rebalancing of the Transit Life Cycle Program, a number of projects were maintained within the original FY 2026 horizon, including 16 bus rapid transit/express bus routes, 24 regional grid bus routes, and 25.7 miles of high capacity transit/light rail transit. Mr. Herzog stated that a number of projects were deferred beyond FY 2026, including 15 bus rapid transit/express bus routes, nine regional grid bus routes, and 12 miles of high capacity transit/light rail transit. He noted the significant progress made in transit since the start of the Proposition 400 program, including the opening of the light rail starter system and the implementation of 11 bus rapid transit/express bus routes and seven regional bus grid routes. Mr. Herzog added that an additional seven new bus routes over the next five years are anticipated.

Mr. Herzog then reported on ongoing issues. He said that the life cycle programs will encounter a number of ongoing issues, and he noted that a new revised revenue forecast being prepared this fall may show another decrease. Mr. Herzog stated that another concern is federal transportation funding, which remains uncertain. He stated that federal reauthorization expired in 2009 and has been extended through continuing resolutions. Mr. Herzog stated that project scope/cost updates and program adjustments will need to continue in order to utilize limited funds as effectively as possible. He stated that another ongoing activity is the performance audit of the Regional Transportation Plan by the Auditor General, which was just initiated. Mr. Herzog stated that the final report is anticipated in October 2011.

Chair Schoaf thanked Mr. Herzog for his report and asked members if they had questions. None were noted. Chair Schoaf expressed concern regarding the lack of revenue for the Regional Transportation Plan and the difficulties the economy is posing to governments. He expressed appreciation for the efforts to squeeze as much as possible from the available dollars.

7. Local Transportation Assistance Fund

This agenda item was not considered.

8. Update on the EPA Proposed Partial Approval and Disapproval of the MAG 2007 Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, stated that in her last update to the MAG Regional Council, she reported on the Environmental Protection Agency (EPA) proposal to partially approve and disapprove the MAG 2007 Five Percent Plan for PM-10 and the consequences that could occur. She noted that comments were due to EPA by October 12, 2010, and MAG and the Arizona Department of Environmental Quality (ADEQ) requested an extension. Ms. Bauer advised that the region was granted an extension of the comment period to October 20, 2010. She reported that the MAG Regional Council, the Gila River Indian Community, and staff from MAG, ADEQ, and Maricopa County submitted letters to EPA. Ms. Bauer expressed appreciation to the Regional Council members for signing the letter.

Ms. Bauer reported on two recent videoconferences conducted with EPA. The first was on October 1, 2010, to discuss the Exceptional Events Rule and the associated issues. She noted that participants included the agencies who developed the plan, EPA Research Triangle Park, EPA Region IX, and the EPA Office of General Counsel. Ms. Bauer stated that this gave MAG and ADEQ the opportunity to present their recommendations to fix the flawed Exceptional Events Rule and also receive feedback. She advised that EPA has acknowledged problems with the Rule and they discussed that they are working on short- and long-term solutions. Ms. Bauer added that EPA indicated there might also be a policy memorandum issued in November or December. Ms. Bauer reported that one of the EPA attorneys cautioned that even though EPA is working on fixing the Rule, EPA is not expected to reverse action on the nonconcurrence of the four high wind exceptional events. She commented that staff feels if EPA fixes the Rule, it should also fix any errors caused by the Rule. Ms. Bauer stated that at the meeting, it was reiterated that MAG is committed to working with EPA on the technical fixes to the plan.

Ms. Bauer stated that the second videoconference with EPA was requested by Congressman Harry Mitchell and took place on October 8, 2010. He requested that MAG host the event at the MAG office. Ms. Bauer noted that other participants included the agencies involved in the development of the plan, representatives from Congressmen Pastor and Flake's offices; Chair Tom Schoaf; and Mayor Scott Smith, who is the MAG Transportation Policy Committee Chair.

Ms. Bauer stated that Mayor Schoaf presided over the meeting and took the opportunity to communicate to EPA that the MAG region takes air quality very seriously. She reported that he mentioned that the region has taken a number of aggressive efforts over the years, such as attaining the carbon monoxide standard and the one-hour ozone standard, not violating the .08 ppm ozone standard, that it was among the first in the nation to have an alternative fuels program to help with carbon monoxide, has the most stringent vehicle emissions testing programs in the country, has a pilot recharging program for electric vehicles underway, and has met the PM-2.5 standard. Ms. Bauer stated that Mayor Schoaf also mentioned that the MAG Regional Council has allocated \$23.2 million in funding for PM-10 certified

street sweepers and \$24 million to pave unpaved roads. She stated that the meeting provided the opportunity to discuss with EPA how MAG feels the plan has been effective – there have been no violations at the monitors in stagnant conditions. Ms. Bauer stated that MAG also conveyed it is committed to working with EPA on technical fixes to the plan.

Ms. Bauer stated that MAG requested EPA delay action on the plan because it feels that EPA needs more time to review the exceptional events documentation in its totality. She stated that Mayor Smith emphasized to EPA why a conformity freeze is unacceptable to this region. Ms. Bauer said that Mayor Smith explained that on a monthly basis, MAG has amendments to the TIP. With the downturn in the economy and in revenue, MAG needs as much flexibility as possible to adjust to changing conditions to make unexpected changes to the TIP. Ms. Bauer stated that this gave the EPA a better understanding of why MAG is so concerned about a freeze, and EPA indicated it was receptive to working with the MAG region.

Ms. Bauer stated that on October 15, 2010, the region had its first exceedance of the standard in 2010, which occurred at the Greenwood monitor at 27th Avenue and Interstate 10. She advised that there was thunderstorm activity that day and ADEQ is currently evaluating whether this exceedance could be due to an exceptional event. Ms. Bauer referred to the map of PM-10 monitors in the region and said that the time of year is approaching when there are stagnant conditions. She requested that member agencies consult the map and if activity is anticipated close to the monitors, to be vigilant about keeping dust under control. Ms. Bauer added that having three years of clean data at the monitors is so important, member agencies are being asked to go above and beyond customary efforts.

Chair Schoaf thanked Ms. Bauer for her update and asked members if they had questions.

Mayor Cavanaugh asked how important was the October 15 exceedance. Ms. Bauer replied that the hope is this exceedance will be determined an exceptional event due to the thunderstorm activity that day. She added that staff is waiting to see what the ADEQ evaluation yields.

Chair Schoaf thanked staff for their hard work.

10. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting were requested.

Mr. Smith stated that tonight, the Regional Council heard the 2010 Annual Report on the Status of the Implementation of Proposition 400. He said that the new sales tax and HURF projections were received today. Mr. Smith stated that the projections contain very sobering information and would be presented at the next meeting.

11. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments were noted.

Adjournment

Councilman Esser moved and Mayor LeVault seconded to adjourn the meeting at 5:35 p.m.

Chair

Secretary